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OFFICE OF PETITIONS

In re Application of :
Ueno :
Application No. 09/446,790 :
International Filing Date: June 26, 1998 :
Attorney Docket No. MAT – 7872US :
For: VIDEO SIGNAL RECORDING AND :
REPRODUCTION DEVICE AND VIDEO :
SIGNAL REPRODUCTION DEVICE :

DECISION ON PETITION

The above-identified application has been forwarded to the undersigned for consideration on a petition for patent term modification entitled "Petition under 37 CFR 1.181 For Correction Of Patent Term Extension," received on July 3, 2006.

The petition under 37 CFR 1.181 is dismissed.

Petitioner notes that the Notice of Allowance mailed on June 20, 2006, for the above-identified application stated that the Patent Term Extension is 0 days

Petitioner asserts that the application was abandoned multiple times as a result of USPTO internal. Petitioner requests that the Office make a determination of Patent Term Extension.

35 U.S.C. § 154(b) (as amended by the "Uruguay Round Agreements Act," enacted December 8, 1994, as part of Public Law 103-465) provides for patent term extension for appellate review, interference and secrecy order delays in applications filed on or after June 8, 1995 and before May 29, 2000. 35 U.S.C. § 154 was amended by the "American Inventors Protection Act of 1999," which was enacted on November 29, 1999 as part of Public Law 106-113 (Consolidated Appropriations Act for Fiscal Year 2000).

The above-identified application was filed on June 26, 1998. Accordingly it is entitled to patent term extension based upon the conditions in 35 U.S.C. § 154(b), in effect on June 8, 1995. The provisions of 35 U.S.C. § 154(b) in effect on May 29, 2000 do not apply, because the amended version of 35 U.S.C. § 154(b) only applies to applications filed on or after May 29, 2000. Pursuant to 35 U.S.C. § 154(b), in effect on June 8, 1995, an applicant can receive patent term extension only if there was an appellate review, interference or a secrecy order delays as set forth

in the statute. The patent statute only permits extension of patent term based on very specific criteria. The Office has no authority to grant any extension or adjustment of the term due to administrative delays except as authorized by 35 U.S.C. § 154.

Petitioner's assertion that the application is eligible for additional patent term extension due to the multiple improper abandonments is not persuasive. The application was not issued due to an adverse determination of patentability by the Board of Patent Appeals and Interferences (BPAI), was not delayed due to an interference proceeding, nor was it subject to a secrecy order, as a result, this application is not eligible for the extension under 35 U.S.C. 154 and 37 CFR 1.701. The Office has no authority to grant an extension of the term due to administrative delays except as authorized by 35 U.S.C. § 154.

The delay in the allowance and issuance is regrettable, but the Office has no authority to grant an extension or adjustment of the term due to administrative delays except as authorized by 35 U.S.C. § 154(b).

Telephone inquiries with regard to this communication should be directed to Mark O. Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read 'Mark O. Polutta', with a long horizontal stroke extending to the right.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner for Patent Examination Policy